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Attorney for Plaintiff
Illiena Volynskaya

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ILLIENA VOLYNSKAYA,

Plaintiff,

vs.

EPICENTRIC, INC. HEALTH AND
WELFARE PLAN, an ERISA plan,

Defendant.

CASE NO.: CV-04-00839-SI

**STIPULATION TO CONTINUE
HEARING DATE AND BRIEFING
SCHEDULE FOR PLAINTIFF'S
MOTIONS TO ALTER JUDGMENT
AND FOR ATTORNEYS' FEES;
[PROPOSED] ORDER THEREON**

Current Hearing:

DATE: December 21, 2007
TIME: 9:00 a.m.
CTRM: 10

Complaint Filed: March 1, 2004

1 WHEREAS, Plaintiff Illiena Volynskaya ("Plaintiff") filed and served her
2 motions to alter or amend judgment and for attorneys' fees on October 19, 2007,
3 noticing both motions for hearing on December 21, 2007;

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5 WHEREAS, Defendants Epicentric, Inc. Health and Welfare Plan's
6 (Defendant) opposition to the motions is currently due on November 30, 2007, with
7 Plaintiff's reply in support of the motions currently due on December 7, 2007;

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9 WHEREAS, this timeframe will be difficult to comply with, given counsel's
10 current calendars (and conflicts arising therein), as well as pre-paid vacation plans;
11 and

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13 WHEREAS, as of the date of lodging this stipulation with the Court, District
14 Judge Susan Illston's calendar is open on January 4, 2008.

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16 NOW THEREFORE, the parties, by and through their respective counsel of
17 record, hereby stipulate and respectfully request the Court to continue the December
18 21, 2007 Motion hearings, such that Plaintiff's motions may be heard on January 4,
19 2008 at 9:00 a.m. in Courtroom 10. The parties further stipulate to modify the
20 briefing schedule such that Defendants' opposition to the motions may be filed and
21 served on or before December 14, 2007, and Plaintiff's reply in support of the
22 motions may be filed and served on or before December 21, 2007.

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24 IT IS SO STIPULATED.
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DATED: November 19, 2007 LAW OFFICES OF CHARLES FLEISHMAN

By: /s/ Charles J. Fleishman (as authorized on
11/19/07)
CHARLES J. FLEISHMAN
Attorneys for Plaintiff
Illiana Volynskaya

DATED: November 19, 2007 BARGER & WOLEN LLP

By: /s/ Robert K. Renner
ROBERT K. RENNER
Attorneys for Defendant
Epicentric, Inc. Health and Welfare Plan,
an ERISA plan

ORDER

Pursuant to the foregoing stipulation of the parties and for good cause shown, the December 21, 2007 hearing upon Plaintiff's motions to alter judgment and for attorneys' fees shall be and hereby is continued to January 4, 2008 at 9:00 a.m. in Courtroom 10. 18

Defendant's opposition to the motions shall be filed and served on or before December 14, 2007, and Plaintiff's reply in support of the motions shall be filed and served on or before December 21, 2007.

IT IS SO ORDERED.

DATED: _____



THE HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is: Barger & Wolen LLP, 19800 MacArthur Boulevard, 8th Floor, Irvine, California 92612.


On November 20, 2007, I served the foregoing document(s) described as **STIPULATION TO CONTINUE HEARING DATE AND BRIEFING SCHEDULE FOR PLAINTIFF'S MOTIONS TO ALTER JUDGMENT AND FOR ATTORNEYS' FEES; [PROPOSED] ORDER THEREON** on the interested parties in this action by causing it to be electronically filed using the Court's Electronic Filing System which constitutes service of the filed document on individual(s) listed below:

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Attorneys for Plaintiff
Illiena Volynskaya

☒ **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. Executed at Irvine, California on November 20, 2007.

NAME: Derek Sutter


(Signature)